

Response

Applicant: Andrew Harvey Barr, et al.
Serial No.: 10/621,661
Filed: July 17, 2003
Docket No.: 200308575-1
Title: PARTIALLY VOIDED ANTI-PADS

REMARKS

The following remarks are made in response to the Office Action mailed June 1, 2007. Claims 1-6 and 9-36 have been allowed. Claim 37 was rejected. Claims 1-6 and 9-37 remain pending in the application and are presented for reconsideration and allowance.

Double Patenting

The Examiner rejected claim 37 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of Barr et al., U.S. Patent No. 7,141,742.

Applicants have filed a terminal disclaimer with this Response. Accordingly, Applicants submit that the above rejection of claim 37 should be withdrawn. Allowance of claim 37 is respectfully requested.

Allowable Subject Matter

The Examiner has allowed claims 1-6 and 9-36.

Applicants agree with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicants believe that the claims are allowable because prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

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CONCLUSION

In view of the above, Applicants respectfully submit that pending claims 1-6 and 9-37 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-6 and 9-37 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicants' representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

IP Administration
Legal Department, M/S 35
HEWLETT-PACKARD COMPANY
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Andrew Harvey Barr, et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2003
Facsimile: (612) 573-2005

Date: September 6, 2007
PGB:kmh

/Patrick G. Billig/
Patrick G. Billig
Reg. No. 38,080